



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DAVID A. FERRERA

Serial No. 10/611,542

Filed: July 1, 2003

For: COMPOSITE GUIDEWIRE

Examiner: Charles Alan Marmor II

Group Art Unit 3736

Docket No. MICRU 64958

Los Angeles, California 90045

TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING REJECTION

UNDER 37 C.F.R. 1.321

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, MICRUS CORPORATION, a Delaware corporation, Assignee, having a place of business at 610 Palomar Ave., Sunnyvale, CA 94085, is the assignee and owner of 100 percent interest in the instant application, Serial No. 10/611,542, filed July 1, 2003, which is a continuation of Serial No. 10/211,487, filed on August 2, 2002, now Patent No. 6,595,932, which is a continuation of Serial No. 09/710,582 filed November 10, 2000, now Patent No. 6,432,066, which is a divisional of Serial No. 09/221,393 filed December 28, 1998, now Patent No. 6,165,140, for COMPOSITE GUIDEWIRE, as recorded at reel 9754 Frame 0465, in connection with Serial No. 09/221,393. The

assignment document has been reviewed, and petitioner hereby certifies that, to the best of petitioner's knowledge and belief, title in the instant application, Serial No. 10/611,542, is in petitioner.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of commonly owned Patent No. 6,165,140, Patent No. 6,432,066, and Patent No. 6,595,932, which are also owned by petitioner. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and Patent No. 6,165,140, Patent No. 6,432,066, and Patent No. 6,595,932 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of Patent No. 6,165,140, Patent No. 6,432,066, and Patent No. 6,595,932, as presently shortened by any terminal disclaimer, in the event that they later expire for failure to pay a maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, have all claims cancelled by a reexamination certificate, are reissued, or are in any manner

terminated prior to the expiration of their full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

March 8, 2005

Date

James W. Paul
Reg. No. 29,967

82371.1

MAR 14 2005

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL for FY 2005

Applicant claims small entity status. See 37 CFR 1.27

| | | |
|--------------------------------|------|----------------|
| TOTAL AMOUNT OF PAYMENT | (\$) | \$65.00 |
|--------------------------------|------|----------------|

Complete if Known

| | |
|----------------------|------------------------|
| Application Number | 10/611,542 |
| Filing Date | July 1, 2003 |
| First Named Inventor | David A. Ferrera |
| Examiner Name | Charles Alan Marmor II |
| Art Unit | 3736 |
| Attorney Docket No. | MICRU 64958 |

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Deposit Account Number: 06-2425 Deposit Account Name: Fulwider Patton

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Charge fee(s) indicated below | <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17 | <input checked="" type="checkbox"/> Credit any overpayments |

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| <u>Application Type</u> | <u>FILING FEES</u> | | <u>SEARCH FEES</u> | | <u>EXAMINATION FEES</u> | | |
|-------------------------|--------------------|------------------------------|--------------------|------------------------------|-------------------------|------------------------------|-----------------------|
| | <u>Fee (\$)</u> | <u>Small Entity Fee (\$)</u> | <u>Fee (\$)</u> | <u>Small Entity Fee (\$)</u> | <u>Fee (\$)</u> | <u>Small Entity Fee (\$)</u> | <u>Fees Paid (\$)</u> |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | _____ |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | _____ |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | _____ |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | _____ |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | _____ |

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

| <u>Small Entity</u> | <u>Fee (\$)</u> |
|---------------------|-----------------|
| 50 | 25 |
| 200 | 100 |
| 360 | 180 |

Each independent claim over 3 (including Reissues)

| <u>Multiple Dependent Claims</u> | <u>Fee (\$)</u> |
|----------------------------------|-----------------|
| Fee (\$) | Fee Paid (\$) |

Multiple dependent claims

| <u>Total Claims</u> | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
|---------------------|---------------------|-----------------|----------------------|-----------------|----------------------|
| - 20 or HP = | x | \$50.00 | = \$0.00 | Fee (\$) | Fee Paid (\$) |

HP = highest number of total claims paid for, if greater than 20.

| <u>Indep. Claims</u> | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
|----------------------|---------------------|-----------------|----------------------|
| - 3 or HP = | x | \$200.00 | = \$0.00 |

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listing under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| <u>Total Sheets</u> | <u>Extra Sheets</u> | <u>Number of each additional 50 or fraction thereof</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
|---------------------|---------------------|---|---------------------|----------------------|
| - 100 = | / 50 | (round up to a whole) | x \$250.00 = \$0.00 | Fee Paid (\$) |

4. OTHER FEE(S)

Non-English specification, \$130 fee (no small entity discount)

Other (e.g. late filing surcharge): Terminal Disclaimer

\$65.00

SUBMITTED BY

| | | | |
|-------------------|---|--------------------------------------|---------------|
| Signature |  | Registration No. (Attorney/Agent) | 29,422 |
| Name (Print/Type) | David G. Parkhurst | Date | March 8, 2005 |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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